



CDSS

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REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☒ Initiated by CCL

TO: ALL CCLD PROGRAM STAFF

SUBJECT: **REGIONAL OFFICE PROCEDURES TO PROCESS THE EXCLUDED INDIVIDUALS REJECTED BY THE DEPARTMENT OF JUSTICE (DOJ) INTERFACE REPORT (LISD2LAR)**

Background

Prior to 2006, the DOJ included Administrative Actions (AA) on a rap sheet when an individual submitted new fingerprints. DOJ would ensure that the flagged individual did not obtain a criminal record clearance and the Caregiver Background Check Bureau (CBCB) would contact the Regional Office (RO). DOJ no longer provides this service resulting in the California Department of Social Services (CDSS) developing a new process. Now, when an AA is sent to Legal, it is entered into the legal case tracking system which triggers a flag on the individual's record in the Licensing Information System (LIS) and the Caregiver Background Check (CBC) system. If an individual with an AA flag on their record submits fingerprints, the print results will error out of the CBC system and trigger the LISD2LAR report printing at the RO. If the individual does not have a criminal history, DOJ's system will generate a clearance letter that is automatically sent to the individual and/or the facility and the RO will not have knowledge of this clearance. As a result, individuals who have a past AA flag may be working or residing in licensed Community Care Facilities and may be a risk to clients.

Purpose

This Information Release is necessary to clarify procedures for the processing of the LISD2LAR report when excluded staff reappear to work or reside in a facility.

Processing of LISD2LAR Notice of Excluded Individuals Rejected by DOJ Interface

Field offices receive an LIS generated LISD2LAR report, referred to as an "Excluded Individual Rejected by DOJ Interface", when an individual who is identified as having

been excluded from a facility, attempts to become associated to a new facility. This report is intended to ensure that ROs are aware of the need to verify whether it is appropriate for the individual to become associated to a new facility. The report prints at each field office default printer and identifies the individual by name, social security number, and date of birth. This report will print when the Licensing Administrative Action Records System (LAARS) identifies that an individual has a prior AA. The report also includes the date that the individual submitted fingerprints to become associated to a new facility, the facility number for their new association, and the current DOJ response to the fingerprint submission (i.e., RAP, clear, etc.).

As these individuals have a prior AA, it is important that the Regional Manager (RM) or designee review these cases quickly to ensure that individuals who may be a risk to clients are not allowed to work or reside in a licensed facility. If the individual does not have a criminal record, the facility or individual (If a license applicant) will have likely received a clearance notice from DOJ. In the case of employees, the licensee may have hired someone based on the DOJ clearance notice they received.

Cases with a Clearance

If the individual does not have a criminal record or possible Child Abuse Central Index (CACI) match, the prior administrative action was based on conduct only. For these cases, the RO is to proceed as follows:

- Contact the facility to determine the individual's association status. (This action can be accomplished by informing the facility that Community Care Licensing is updating its records and confirming the individual's current association with the facility);
- Check LIS and legal sources for the individual to identify the specific prior legal action and facility association;
- Obtain and review the prior Decision and Order (D&O) or other legal documents through a review of the CDSS Extranet for case file review. The documents can be obtained on the LAARS Extranet secure website at <https://secure.dss.cahwnet.gov/ccld/securenet/dojflag/default.aspx>. If there are any questions regarding the secure password, please first contact your RM for password information. If there are any additional questions regarding password information, please contact Suzann Paolini, Manager of the Business Application Support, at 916-327-0992 or via e-mail at suzann.paolini@dss.ca.gov.
 - Once logged-on to the system, the RM or designee will enter identifying information for each individual. In order to obtain information from the system, the identifying information entered must exactly match the information contained in the Legal Case Tracking System (LCTS). The system will allow query by one or more personal identifiers (i.e., last name,

- first name, California Driver License, case number, date of birth, etc.), and searches can be refined to reflect only legal cases in which multiple identifiers are present. If the query does not reflect a match with any of the personal identifiers, then there are no identified licensing administrative actions against the individual.
- If the individual is identified as having been involved in a licensing administrative action, the RM or designee will need to obtain more information about the licensing action and to assess how that prior action affects their current case. The system will include document links to the signed legal documents. If the legal documents cannot be obtained, please send an email request, stating the individual's name and case number, to the Legal Division at LAARS-CCL@dss.ca.gov.

D&O and Stipulations are binding legal documents. The RM or designee should discuss with their consulting attorney before making a decision. Legal action, including issuance of an immediate exclusion order, may be necessary.

Actions after Case Review

Several possible actions may be initiated after review:

- If it is determined that the individual should not be present in a licensed facility after consultation with their legal consultant, the RM should immediately notify the facility that the individual is not approved to work or reside in the facility and must be removed. If there is any indication that the individual is or will be working or residing in the facility, it may be necessary for the licensing program analyst to conduct a case management visit to verify that the individual is not present. The RM or designee must send a copy of the D&O to the licensee and contact CBCB via email at AAFlags@DSS.CA.GOV. CBCB will notify the Community Care Licensing Division (CCLD) Application Support Desk to update the LIS AA comment section to reflect the current exclusion. The RM or designee must work with the consulting attorney to take the appropriate action (i.e., denial, revocation, or exclusion).
- If it is determined that the individual can now be approved to work or reside in a facility, the RM or designee shall notify CBCB that the individual may now be associated. Notification shall be made via e-mail address at CBCB-AAFlags@DSS.CA.GOV and shall include the individual's Personnel Identification number and assigned facility number.
 - CBCB will enter the new association and criminal history status for the individual into the CBC system.

- CBCB will then notify the CCLD Application Support Desk to change the AA flag status to “reinstated” and annotate the following comment: “The individual’s history has been reviewed and a decision has been made to allow the individual to be licensed, reside or work in a facility.”
- If it is determined that the individual was flagged inaccurately, the RM or designee must notify the CCLD Application Support Desk to remove the administrative action flag. Their telephone number is (916) 323-6102 or ccldapppdesk@dss.ca.gov.
- An AA flag is only deemed inaccurate if the individual was never the subject of an administrative action to revoke or deny their license, or to exclude them from a facility.
 - If the individual was involved in a prior action, but was not revoked, denied, or excluded (for example, individual was approved to work through a stipulated probation), it may also be appropriate to notify Legal that the information in the LCTS for the individual, needs to be corrected to display the appropriate status or case closure information. Notify Legal via e-mail at LAARS-CCL@dss.ca.gov.
 - If the individual was previously denied, revoked, or excluded but is determined to now be allowed to be associated to a facility, their association needs to be restored as noted above, but the prior flag will not be removed.

Cases with a Prior Clearance that now have a criminal conviction, arrest or Child Abuse Central Index (CACI) hit

If the individual has a previous clearance and the AA was based on conduct not related to the current conviction or arrest, CBCB will contact the RO by e-mail to inform them that the individual has a current criminal history.

After reviewing the AA and consulting with their attorney, the RM must contact CBCB via e-mail address at CBCB-AAFlags@DSS.CA.GOV, to take one of the following steps:

- If the RM or designee determines that the individual may be licensed or present in a facility, the RM must notify CBCB that the exemption process may begin. The case will be assigned to an exemption analyst.
- If the RM or designee determines that the individual may not be licensed or present in a facility, the RM or designee must notify CBCB. The RM or designee shall then work with the consulting attorney to take appropriate action (i.e., denial, revocation, or exclusion).

Cases with Prior Criminal History

If the individual has a prior conviction, arrest, or possible CACI match, CBCB will receive a rap sheet or notice of a possible CACI match from DOJ. For these cases, CBCB will review the information received from DOJ and determine if the previous AA is related to an exemption denial, or an exclusionary action taken by either CBCB or the Program Office.

- If it is determined that the previous AA is related to an exemption denial, CBCB will obtain and review the legal documents to determine if the individual can now go through the exemption review process. If the individual is eligible, CBCB will process the exemption case using current procedures. If the individual is not eligible, CBCB will notify the Application Support Desk to update the AA comment section.

If you have any questions regarding this memo, please contact Joanne Bailey, Manager of the Exemption Unit H & Allied Office Support Section, Caregiver Background Check Bureau at (916) 274-0492 or via e-mail at joanne.bailey@dss.ca.gov.

Sincerely,

Original Signed By Jeffrey Hiratsuka

JEFFREY HIRATSUKA
Deputy Director
Community Care Licensing Division